

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 MANUEL BURRUEL, III,
12 Plaintiff,
13 v.
14 ROB BONTA,
15 Defendant.

Case No. 1:22-cv-00116-ADA-EPG (PC)
ORDER DENYING PLAINTIFF'S MOTION
FOR CERTIFICATE OF APPEALABILITY
(ECF No. 25)

18 Manuel Burruel, III ("Plaintiff"), is a civil detainee proceeding *pro se* and *in forma
pauperis* with this action. On January 17, 2023, Plaintiff filed a notice of appeal of the order
20 dismissing his case. (ECF No. 24). On that same day, Plaintiff filed a motion for a certificate of
21 appealability. (ECF No. 25).

22 Plaintiff does not need to request a certificate of appealability in order to file an appeal of
23 the dismissal of this action, which is not a habeas corpus proceeding.¹ Plaintiff has filed a notice
24 of appeal (ECF No. 24), and his appeal has been processed to the United States Court of Appeals
25 for the Ninth Circuit (ECF No. 26).

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27 ¹ "Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the
28 court of appeals from-- (A) the final order in a habeas corpus proceeding in which the detention complained of arises
out of process issued by a State court; or (B) the final order in a proceeding under section 2255." 28 U.S.C. §
2253(c)(1)(A)-(B).

Accordingly, IT IS ORDERED that Plaintiff's motion for a certificate of appealability is DENIED.

IT IS SO ORDERED.

Dated: January 19, 2023

/s/ *Eric P. Gross*
UNITED STATES MAGISTRATE JUDGE